IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3110 of 2005

Between:

S. Madhusudhan Reddy, Proprietor, M/s. Swathi Wines,
D.No. 5/363, Chintareddypalem Donka,

Stone House Pet, Nellore

..... PETITIONER

AND

1 Government of Andhra Pradesh, rep by its Principal Secrtary, (Excise-III) Department, Secretariat, Buildings, Secretariat, Hyderabad.
2 Commissioner of Prohibition and Excise, Andhra Pradesh,

J.N. Road, Nampally, Hyderabad.
3 The Superintendent (Prohibition & Excise) Nellore.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No. 2 in so far as not considering the petitioner application dt. 7-2-2005 for conversion and shifting of IL-24 Licence (Retail Shop) into IL-17 Licence (Bar & Restaurant) as illegal and in violation Article 14 and 19 (1) (g) of constitution of India and direct the respondents to consider the petitioner's application and grant IL-17 Licence and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.CHAKRAPANI

Counsel for the Respondents1 to 3: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.3110 OF 2005

ORAL ORDER:

Heard both sides.

2. The grievance of the petitioner is that the representation, dated 07-02-2005, submitted by him, seeking conversion and shifting of IL-24 Licence (Retail Shop) into IL-17 Licence (Bar & Restaurant) has not been considered by the second respondent, despite the fact that several other applications/representations made by others have been considered, nor any reasons have been assigned for the undue silence/delay.

3. Having regard to the facts and circumstances of the case, suffice it to direct the second respondent to consider the representation, dated 07-02-2005, submitted by the petitioner, and dispose of the same, in accordance with law, after assigning reasons, and communicate a copy of the same to the petitioner, within two weeks from the date of receipt of a copy of this order.

4. Accordingly, the writ petition is disposed of, at the stage of admission. However, there shall be no order as to costs.

D.S.R.VARMA, J

07TH MARCH, 2005

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, Government of Andhra Pradesh,
(Excise-III) Department, Secretariat, Buildings, Secretariat,
Hyderabad.
2 The Commissioner of Prohibition and Excise, Andhra Pradesh,

J.N. Road, Nampally, Hyderabad.
3 The Superintendent (Prohibition & Excise) Nellore.

4. Two CCs to G.P. for Prohibition & Excise, High Court Buildings,

Hyderabad (OUT).

5. Two CD copies.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

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W.P.NO.3110 OF 2005

07TH MARCH 2005